IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Writ Petition No.1650 of 2004.

Yadunath V Deshmukh. ..Petitioner

vs

State of Maharashtra and Ors. ..Respondents

Ms V.Kamat with Mr. M.D.Lonkar for the petitioner.
Mr.S.R.Nargolkar AGP for respondents.

CORAM: V.G.PALSHIKAR,Acg C.J. ,
& V.M.KANADE, J.

DATE: August 7, 2006.

P.C.:-

Taking into consideration the submission of the learned counsel for the petitioner and the Asst. Government Pleader, it appears necessary that the matter is sent back to the Maharashtra Administrative Tribunal for decision in accordance with law.

Remand is necessary because certain rules have not been considered at all by the tribunal and facts will have to be examined in the light of those rules. This exercise will have to be done by the tribunal which is a fact finding authority, so that the aggrieved party has remedy available thereafter. Taking into consideration that the matter is prolonging for several

years, tribunal is directed to decide the matter as early as possible preferably in two months.

Petition is accordingly disposed of.